

# BOARD OF ZONING ADJUSTMENTS

# **MEETING INFORMATION**

# **Location**

# **City Council Chambers**

1<sup>st</sup> Floor, City Hall 1300 Perdido Street New Orleans, Louisiana

#### Time

10:00 a.m. Decision Appeals are heard after 1 p.m.

# **Board Members**

Candice M. Forest - Chair

Todd C. James – Vice Chair

Denise C. Puente

Andrew P. Sanchez, Jr.

Thomas McCall Screen

Alyssa Wenck Rambeau

Jaime Ramiro Diaz

The general public cannot speak with the members personally.

# Final Agenda

March 9, 2014

The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 14 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **March 19, 2014.** 

#### General Rules of Order

Robert's Rules of Order govern the conduct of the meeting. Any member of the public may speak on any matter before the Board. If you wish to appear before the Board, please fill out a Speaker Card and place it in the Lucite box in the far wall in the Council Chambers. When you are recognized by the Chairperson, state your name and address and speak directly into the microphone.

#### **Appeals**

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

# A. Call to Order and Roll Call, Adoption of Minutes and Reading of Hearing Rules

#### B. BZA Dockets – Unfinished Business

ITEM 1 - Docket Number: 235-14

**Applicant or Agent:** Supreme Council of the 33rd Degree Freemasons/LA **Property Location:** 3200 St. Bernard Avenue **Zip:** 70119

**Bounding Streets:** St. Bernard Ave., Frey Pl., & Florida Ave. **Zoning District:** B-1 Neighborhood Business District

Historic District: N/A Planning District: 4
Existing Use: Mixed-Use Square Number: W

Proposed Use: Mixed-Use Lot Number: Undesignated Lot

**Project Planner:** Nicolette P. Jones (nipjones@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 5, Section 5.4.7 (Table 5.D), Article 15, Section 15.2.1 (Table 15.A), and Article 15, Section 15.2.3(4) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a mixed-use structure (Masonic temple/office) with excessive height, insufficient off-street parking, and uncovered and unenclosed parking in the front yard.

## **Requested Waivers:**

Section 5.4.7 (Table 5.D) – Maximum Height

Required: 40' Provided: 48'-6" Waiver: 8'-6"

Section 15.2.1 (Table 15.A) – Off-Street Parking

Required: 66 Spaces Provided: 38 Spaces Waiver: 28 Spaces

Section 15.2.3(4) - Parking in Front Yards

Required: Covered and Enclosed Provided: Uncovered and Unenclosed

Waiver: Covered and Enclosed

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ITEM 2 - Docket Number: 013-15

**Applicant or Agent:** Patrick D. Crain

**Property Location:** 2721 St. Charles Avenue **Zip:** 70130

**Bounding Streets:** St. Charles Ave., Fourth St., Carondelet St., & Washington Ave.

**Zoning District:** RM-2A Multiple-Family Residential District

**Historic District:** St. Charles Avenue Local Historic **Planning District:** 2

Existing Use: Multi-Family Residence

**Square Number: 230** 

(6 Dwelling Units)

Multi-Family Residence

Lot Number: 3-B

Proposed Use: (6 Dwelling Units)

**Project Planner:** Nicolette P. Jones (nipjones@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.5.12(1) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of an accessory office structure with insufficient side yard width.

**Requested Waiver:** 

Section 15.5.12(1) – Accessory Buildings and Structures (Side Yards)

Required: 3' Provided: 0' Waiver: 3'

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ITEM 3- Docket Number: 014-15

**Applicant or Agent:** Theodore L. Wong

**Property Location:** 4714 Coliseum Street **Zip:** 70115 **Bounding Streets:** Coliseum St., Valence St., Chestnut St., & Bordeaux St.

**Zoning District:** RD-2 Two-Family Residential District

Historic District: N/A Planning District: 3

Existing Use: Single-Family Residence Square Number: 293

Proposed Use: Single-Family Residence Lot Number: 16

**Project Planner:** Brooke Perry (btperry@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 15, Section 15.2.3, and Article 15, Section 15.6.6 of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit one (1) parking space in the front yard and excessive paving of the required front yard area. (AFTER THE FACT)

**Requested Waivers:** 

**Section 15.2.3 – Parking in Front Yards** 

Required: 0 Spaces Provided: 1 Space Waiver: 1 Space

Section 15.6.6 – Limitation of Pavement of Required Front Yard Areas

Required: ≤ 40% Provided: 61% (267 sq. ft.) Waiver: 21% (91 sq. ft.)

A.

ITEM 4 - Docket Number: 016-15

**Applicant or Agent:** Charles Neyrey & Patrick Brewster

**Property Location:** 613-615 Dufossat Street **Zip:** 70115 **Bounding Streets:** Dufossat St., Annunciation St., Laurel St., & Soniat St.

**Zoning District:** RM-2 Multiple-Family Residential District

Historic District: N/A Planning District: 3

Existing Use: Multi-Family Residence

**Square Number: 137** 

(4 Dwelling Units)

Proposed Use: Two-Family Residence Lot Number: 18

**Project Planner:** Editha Amacker (evamacker@nola.gov)

**Request Citation:** This request is for a variance from provisions of Article 4, Section 4.9.7 (Table 4.I) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a two-family residence with insufficient front yard depth.

**Requested Waiver:** 

Section 4.9.7 (Table 4.I) – Minimum Depth of Front Yard

Required: 20' Provided: 6' Waiver: 14'

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ITEM 5 – Docket Number: 018-15

**Applicant or Agent:** Seeling Properties LLC

**Property Location:** 241 West Harrison Avenue **Zip:** 70124

**Bounding Streets:** W. Harrison Ave., Pontchartrain Blvd., 26th St., & Fleur de Lis Ave.

**Zoning District:** LB-1 Lake Area Neighborhood Business District

Historic District:N/APlanning District:5Existing Use:Paint StoreSquare Number:15Proposed Use:RestaurantLot Number:38, 39, & 40

**Project Planner:** Kelly Butler (kgbutler@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance

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**Request:** This request is to permit the conversion of a paint store into a standard restaurant with insufficient off-street parking.

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**Requested Waiver:** 

Section 15.2.1 (Table 15.A) - Off-Street Parking

Required: 22 Spaces Provided: 5 Spaces (9 grandfathered) Waiver: 8 Spaces

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#### C. BZA Dockets – New Business

ITEM 6 – Docket Number: 023-15

**Applicant or Agent:** Thomas De Rose, Barry Sartin, Carol Sartin, George Sartin **Property Location:** 6616 General Haig Street **Zip:** 70124

**Bounding Streets:** General Haig St., Porteous St., Argonne Blvd., & Filmore Ave.

**Zoning District:** LRS-1 Lakeview Single-Family Residential District

Historic District:N/APlanning District:5Existing Use:Single-Family ResidenceSquare Number:156Proposed Use:Single-Family ResidenceLot Number:29 & 30

**Project Planner:** Nicholas Kindel (njkindel@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.5.7(1b) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the placement of air conditioning units in the side yard area with less than two feet (2') open to the sky between the farthest projection and the lot line. (AFTER THE FACT)

#### **Requested Waiver:**

Section 15.5.7(1b) - Yards and Open Space (Open to the Sky)

Required: 2' Provided: 1' 6" Waiver: 6"

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ITEM 7 – Docket Number: 024-15

**Applicant or Agent:** Waffle House, Inc.

**Property Location:** 2500-2506 Canal Street **Zip:** 70119

Bounding Streets:Canal St., N. Rocheblave St., Cleveland Ave., & S. Dorgenois St.Zoning District:RO-1 General Office District/Inner City Urban Corridor DistrictHistoric District:N/APlanning District: 4Existing Use:VacantSquare Number: 580Proposed Use:RestaurantLot Number: 1, 2, 3, & 31

Project Planner: Nicolette P. Jones (nipjones@nola.gov) (Proposed Lot 1A)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.2.3 of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a restaurant with ten (10) off-street parking spaces located in the required front yard area.

#### **Requested Waiver:**

Section 15.2.3 - Parking in Front Yards

Required: 0 Spaces Provided: 10 Spaces Waiver: 10 Spaces

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ITEM 8 – Docket Number: 025-15

**Applicant or Agent:** Antoine Saacks

**Property Location:** 831 Bordeaux Street **Zip:** 70115 **Bounding Streets:** Bordeaux St., Magazine St., Valence St., Constance St.

**Zoning District:** B-2 Neighborhood Business District

Historic District: N/A Planning District: 3

Existing Use: Two-Family Residence Square Number: 199

Proposed Use: Veterinary Clinic Lot Number: A

**Project Planner:** Stephen Kroll (skroll@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the conversion of a two-family dwelling into a veterinary clinic with insufficient off-street parking.

# **Requested Waiver:**

Section 15.2.1 (Table 15.A) – Off-Street Parking

Required: 8 Spaces Provided: 2 Spaces (1 Grandfathered) Waiver: 6 Spaces

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ITEM 9 – Docket Number: 026-15

Applicant or Agent: Jessica Becker

**Property Location:** 1472 Calhoun Street **Zip:** 70118 **Bounding Streets:** Calhoun St., Garfield St., Exposition Blvd., & Hurst St.

**Zoning District**: RD-2 Two-Family Residential District

Historic District: N/A Planning District: 3

Existing Use: Two Single-Family Residences Square Number: 60BV

**Proposed Use:** Single-Family Residence Lot Number: N

**Project Planner:** Kelly Bulter (kgbutler@nola.gov)

**Request Citation**: This request is for variances from the provisions of Article 15, Section 15.5.12(4) of the Comprehensive Zoning Ordinance.

**Request:** To permit the expansion of an existing accessory structure with excessive height and construction of a porch and covered walkway with excessive coverage of the required rear yard area.

#### **Requested Waivers:**

Article 15, Section 15.5.12(4) - Accessory Building and Structures Height
Required: 14' Provided: 22' Waiver: 8'

Article 15, Section 15.5.12(2), Accessory Buildings and Structures (Rear Yard Coverage)
Required: 40% (578 sq. ft.) Proposed: 52% (759 sq. ft.) Waiver: 12% (173.4 sq.ft.)

ITEM 10 – Docket Number: 027-15
Applicant or Agent: Glenn Metz

**Property Location:** 2412 Verbena Street **Zip:** 70122 **Bounding Streets:** Verbena St., Clematis St., Gladiolus St., & Iris St.

**Zoning District:** RD-2 Two-Family Residential District

Historic District: N/A Planning District: 6
Existing Use: Single-Family Residence Square Number: 30
Proposed Use: Single-Family Residence Lot Number: 18

**Project Planner:** Larry Massey (lwmassey@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:** This request is to waive one (1) required off-street parking space that was eliminated as the result of an unpermitted renovation. (AFTER THE FACT)

# **Requested Waiver:**

Section 15.2.1 (Table 15.A) - Off-Street Parking

Required: 1 Space Provided: 0 Spaces Waiver: 1 Space

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ITEM 11 - Docket Number: 028-15

**Applicant or Agent:** Jermaine Anthony

**Property Location:** 11136 Will Stutley Drive **Zip:** 70128

**Bounding Streets:** Will Stutley Dr., Nottingham Dr., Pressburg St., & Wright Rd.

**Zoning District:** RS-2 Single-Family Residential District

Historic District: N/A Planning District: 9
Existing Use: Single-Family Residence Square Number: K
Proposed Use: Single-Family Residence Lot Number: 12

**Project Planner:** Nicolette P. Jones (nipjones@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:** This request is to waive the one (1) off-street parking space that was eliminated as the result of an unpermitted renovation. (AFTER THE FACT)

#### **Requested Waiver:**

Section 15.2.1 (Table 15.A) - Off-Street Parking

Required: 2 Spaces Provided: 0 Spaces (1 Space Grandfathered) Waiver: 1 Space

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ITEM 12 - Docket Number: 029-15

**Applicant or Agent:** Daniel Zangara, Joe Aluise

**Property Location:** 2334-2336 Valence Street **Zip:** 70115 **Bounding Streets:** Valence St., La Salle St., Upperline St., & S. Liberty St.

**Zoning District**: RD-2 Two-Family Residential District

Historic District: N/A Planning District: 3
Existing Use: Vacant Square Number: 567

Proposed Use: Two-Family Residence Lot Number: Proposed Lot 8A

**Project Planner:** Stephen Kroll (skroll@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 (Table 4.E) and Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 181/14, to permit the creation of a lot with insufficient minimum lot width and insufficient minimum lot area, and to permit the construction of a two-family residence with insufficient aggregate width of side yards and insufficient off-street parking.

#### **Requested Waivers:**

Section 4.5.7 (Table 4.E) – Minimum Lot Area

Required: 5,000 sq. ft. Provided: 3,685 sq. ft. Waiver: 1,315 sq. ft.

Section 4.5.7 (Table 4.E) – Minimum Lot Width

Required: 50' Provided: 33'-6" Waiver: 16'-6"

Section 4.5.7 (Table 4.E) – Aggregate Side Yard Setback

Required: 20% (6'-8.4") Provided: 19.9% (6'-8") Waiver: 0.1% (0.4")

Section 15.2.1 (Table 15.A) - Off-Street Parking

Required: 2 Spaces Provided: 0 Spaces Waiver: 2 Spaces

ITEM 13 – Docket Number: 030-15

WITHDRAWN

Applicant or Agent:Andrew Williams, Katie Williams, Del Cid Auto Repairs, Inc.Property Location:1113 N. Broad StreetZip: 70119Bounding Streets:N. Broad St., Belle Chasse St., Crete St., & Orchid St.

**Zoning District:** B-1 Neighborhood Business District

Historic District:Esplanade RidgePlanning District: 4Existing Use:Vacant lotSquare Number: 350

Proposed Use: Single-Family Residence Lot Number: Proposed Lot 2A

**Project Planner:** Brooke Perry (btperry@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 4, Section 4.8.7 of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 166/14, to permit the creation of a lot with insufficient minimum lot depth.

**Requested Waiver:** 

Section 4.8.7 (Table 4.H) – Minimum Lot Depth

Required: 90' Provided: 87'-11" Waiver: 2'-1"

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#### ITEM 14 - Docket Number: 031-15

**WITHDRAWN** 

Applicant or Agent:Andrew Williams, Katie Williams, Del Cid Auto Repairs, Inc.Property Location:1113 N. Broad StreetZip: 70119Bounding Streets:N. Broad St., Belle Chasse St., Crete St., & Orchid St.

**Zoning District:** B-1 Neighborhood Business District

Historic District:Esplanade RidgePlanning District: 4Existing Use:Vacant lotSquare Number: 350

Proposed Use: Single-Family Residence Lot Number: Proposed Lot 1A

**Project Planner:** Brooke Perry (btperry@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 4, Section 4.8.7 of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 166/14, to permit the creation of a lot with insufficient minimum lot depth.

**Requested Waiver:** 

Section 4.8.7 (Table 4.H) – Minimum Lot Depth

Required: 90' Provided: 63'-5" Waiver: 26'-7"

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ITEM 15 - Docket Number: 032-15

Applicant or Agent: Christopher E. Johnson, LADS, LLC

**Property Location:** 2512 Valence Street **Zip:** 70115 **Bounding Streets:** Valence St., Freret St., Upperline St., & S. Robertson St.

**Zoning District:** B-1A Neighborhood Business District

Historic District: N/A Planning District: 3

Existing Use: Vacant Square Number: 606

Proposed Use: Two-Family Residence Lot Number: 4

**Project Planner:** Nicolette P. Jones (nipjones@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 5, Section 5.5.7 (Table 5.E) Note 2 and Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a two-family residence with excessive front yard depth and insufficient off-street parking.

# **Requested Waivers:**

Section 5.5.7 (Table 5.E) Note 2 - Maximum Front Yard Permitted

Required: ≤ 4'-6" Proposed: 12' Waiver: 7'-6"

Section 15.2.1 (Table 15.A) - Off-Street Parking

Required: 2 Spaces Provided: 0 Spaces Waiver: 2 Spaces

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ITEM 16 – Docket Number: 033-15

**Applicant or Agent:** Peter Kilgust, John Williams Architects, LLC, Tom Trouve, Liz Privitera

**Property Location:** 3220-3222 Laurel Street **Zip:** 70115 **Bounding Streets:** Laurel St., Pleasant St., Annunciation St., & Harmony St.

**Zoning District:** RD-3 Two-Family Residential District

Historic District:Irish ChannelPlanning District:2Existing Use:Single-Family ResidenceSquare Number:89Proposed Use:Single-Family ResidenceLot Number:A

**Project Planner:** Valerie McMillan (vamcmillan@nola.gov)

Request Citation: This request is for a variance from the provisions of Article 4, Section 4.6.7 (Table 4.F.)

**Request:** This request is to permit the construction of a single-family residence with insufficient aggregate width of side yards.

#### **Requested Waivers:**

Section 4.6.7 (Table 4.F) – Aggregate Side Yard

Required: 8'11" Provided: 6' Waiver: 2'11"

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ITEM 17 - Docket Number: 034-15

**Applicant or Agent:** Evan Alford, 1016 Gen Taylor, LLC

**Property Location:** 1014-1016 General Taylor Street **Zip:** 70115 **Bounding Streets:** General Taylor St., Camp St., Austerlitz St., & Chestnut St.

**Zoning District**: RD-2 Two-Family Residential District

Historic District: N/A Planning District: 2
Existing Use: Single-Family Residence Square Number: 267

Proposed Use: Single-Family Residence Lot Number: Proposed Lot 5A

**Project Planner:** Editha Amacker (evamacker@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 170/14, to permit the creation of a lot with insufficient minimum lot depth and insufficient minimum lot area, which would result in an insufficient rear yard setback for an existing single-family residence.

# **Requested Waivers:**

Section 4.5.7 (Table 4.E) – Lot Area Requirements (Single-Family Dwelling)

Required: 4,400 sq. ft. Provided: 2,332.5 sq. ft. Waiver: 150 sq. ft.

Section 4.5.7 (Table 4.E) – Lot Depth Requirements (Single-Family Dwelling)

Required: 90' Provided: 77'-9" Waiver: 12'-3"

Section 4.5.7 (Table 4.E) – Rear Yards

Permitted: 20'(Existing 18'7") Proposed: 13'-7" Waiver: 6'-5"

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ITEM 18 – Docket Number: 035-15

**Applicant or Agent:** Danielle Foster, Jasmine Foster, Natalie Foster

**Property Location:** 1942-1944 Alabo Street **Zip:** 70117 **Bounding Streets:** Alabo St., N. Johnson St., Charbonnet St., & N. Prieur St.

**Zoning District**: RD-3 Two-Family Residential District

Historic District: N/A Planning District: 8

Existing Use: Two-Family Residence Square Number: 960

Proposed Use: Two-Family Residence Lot Number: 22

**Project Planner:** Larry Massey (lwmassey@nola.gov)

**Request Citation:** This request is to amend conditions applied in conjunction with variances previously granted by the Board, in accordance with Article 14, Section 14.8.4 of the Comprehensive Zoning Ordinance.

# Request:

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This request is to waive a proviso imposed by the Board of Zoning Adjustments in Docket No. 249-13, Proviso #2 requiring the applicant to repair the sidewalk adjacent to the site.

#### **Requested Waiver:**

# BZA Docket 249-13 - Proviso #2

**Imposed:** The applicant shall repair the sidewalk adjacent to the site, subject to the review and approval of the Department of Public Works.

Waiver: Removal of the requirement to construct sidewalks in the right-of-way adjacent to the lot.



#### ALL DECISION APPEALS ARE SCHEDULED TO COMMENCE AT 1:00 P.M. OR THEREAFTER

# Director of Safety and Permits Decision Appeals – Old Business

ITEM 19 - Docket Number: 022-15

Applicant or Agent:Rose Brocato, Cosimo Brocato, & Justin SchmidtProperty Location:824 7th StreetZip: 70115

**Bounding Streets:** 7th St., Laurel St., 8th St., & Annunciation St.

**Zoning District**: RD-3 Two-Family Residential District

Historic District:Irish Channel Local Historic DistrictPlanning District:2Existing Use:Single-Family ResidenceSquare Number:92Proposed Use:Single-Family ResidenceLot Number:20

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 14, Section 14.5 of the Comprehensive Zoning Ordinance.

**Request:** This is an appeal of the Director of the Department of Safety and Permits regarding the grandfathering status of existing front yard paving and front yard parking.

# E. Director of Safety and Permits Decision Appeals – New Business

ITEM 20 - Docket Number: 036-15

Applicant or Agent:WWTJ, LLC, Donna W. Levin, Farrel Weil, Larrie WeilProperty Location:913-917 Conti StreetZip: 70112Bounding Streets:Conti St., Burgundy St., St. Louis St., & Dauphine St.

**Zoning District:** VCR-1 Vieux Carré Residential District

Historic District:Vieux CarréPlanning District:1bExisting Use:MuseumSquare Number:91Proposed Use:MuseumLot Number:23 & 24

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 14, Section 14.5 of the Comprehensive Zoning Ordinance.

**Request:** This is an appeal of the Director of the Department of Safety and Permits regarding the determination that the use of 917 Conti Street is a permitted use rather than non-conforming use.

# F. Adjournment